

UNITED STATES OF AMERICA,)
)
v.) Criminal No. 01-455-A
)
ZACARIAS MOUSSAOUI)

The SAM governing Mr. Moussaoui's nonlegal telephone calls provide that the calls may not be overheard by, patched through, forwarded, transmitted, or divulged to a third party and may not in any manner be recorded or preserved. See SAM 4 a ii (1) (a)-(d). The SAM further provides that a call with Mr. Moussaoui's family shall be contemporaneously monitored and recorded and that if the monitoring reveals inappropriate activity the call shall be immediately terminated. See SAM 4 iv and v. Mr. Moussoaui's mother, Aisha El Wafi, resides in Narbonne France and has requested regular telephonic contact with her son every other week. The first such call took place on September 27, 2002. At that time it was discussed that regular phone calls were requested and a schedule of every other week was proposed. The September 27 phone call took place with the FBI telephoning Ms. El Wafi directly on her cellular phone number from the Alexandria Detention Center. This call was contemporaneously monitored and Ms. El Wafi was notified of the SAM

conditions as is required by SAM Section 4 a iii (1)-(3). Another call was tentatively scheduled for Friday, October 11, 2002.

The FBI now informs stand-by counsel that Ms. El Wafi must call from a secure line with FBI approved officials present at her location. The FBI requested that Ms. El Wafi travel to Paris France to receive her son's call from the Legat Office in Paris. Stand-by counsel informed the FBI that Paris is nearly 500 miles from Ms. El Wafi's home and that Ms. El Wafi cannot incur the expense nor the time for every other week trips to Paris. The FBI responded that there will be no phone call on October 11 nor on the following week, that they do not know when a phone call can be arranged, and they do not know where Ms. El Wafi must be to receive the phone call. The October 11 phone call has been proposed for well over a week with over two weeks for the FBI to arrange it and now the next potential phone call is not to take place until at least a month after the call was requested. A regular schedule, including the time and location for every other week phone calls should be set. Standby counsel should not have to spend hours negotiating with the FBI every time Ms. El Wafi and her son wish to speak on the phone. Although stand-by counsel is reticent to request Court intervention in these kinds of matters, it appears that the FBI is unable to reach an acceptable resolution such that Ms. El Wafi can have regular contact with her son under reasonable conditions.

Additionally the FBI has informed stand-by counsel that when Ms. El Wafi travels from France to the United States to visit her son for the week of October 28, 2002, she will be able to meet with him a total of two, perhaps three times, for at most an hour at a time. This is a total of three hours of visit time between Mr. Moussaoui and his mother when she will have traveled a distance

of 3,000 miles at great cost to see her son. Again standby counsel request the Court's intervention with the FBI to set more generous visit times and occasions.

ZACARIAS MOUSSAOUI

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Motion to Set Reasonable Conditions for Telephonic Communications and Visits was served upon AUSA Robert A. Spencer, AUSA David Novak and AUSA Kenneth Karas, U.S. Attorney's Office, 2100 Jamieson Avenue, Alexandria, VA 22314, by placing a copy BY HAND in the box designated for the United States Attorney's Office in the Clerk's Office of the U.S. District Court for the Eastern District of Virginia and UPON APPROVAL FROM THE COURT SECURITY OFFICER via first class mail to Zacarias Moussaoui, c/o Alexandria Detention Center, 2001 Mill Road, Alexandria, VA 22314 this 17th day of October 2002.

_____/S/
Anne M. Chapman